

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

MICHAEL G. ROBINSON and MICHELLE  
ROBINSON,

Plaintiffs,

v.

H&R BLOCK BANK, FSB, SAND  
CANYON CORPORATION f/k/a OPTION  
ONE MORTGAGE CORPORATION, and  
MELISSA HIVELY,

Defendants

Civil Action No. 1:12-cv-04196-SJ-SMG

**DECLARATION OF  
DALE M. SUGIMOTO**

I, DALE M. SUGIMOTO, declare as follows:

1. I am the President of Sand Canyon Corporation ("Sand Canyon") f/k/a Option One Mortgage Corporation ("Option One").
2. I have reviewed the Declaration of Greg Quarles, President, H&R Block Bank, FSB and the exhibits attached thereto ("Dec. of G. Quarles"), which I understand is being filed simultaneously with this declaration. True and accurate copies of the documents defined herein as the CEMA Mortgage, Adjustable Rate Note and GAP Note are attached to the Dec. of G. Quarles as Exhibits 1, 2 and 3 respectively. True and accurate copies of the CEMA Note and Allonge, as described herein, are attached within Exhibit 4 of the Dec. of G. Quarles.
3. On or about December 31, 2007, Option One exited the loan origination business and as of April 30, 2008, sold its loan servicing business. The Purchase Agreement, which memorialized the sale of its servicing assets, provided that Option One change its name; subsequently, Option One changed its name to Sand Canyon Corporation.

4. On or about November 28, 2005, Plaintiff Michael G. Robinson executed an Adjustable Rate Note in the amount of \$465,000.00 in favor of Option One (the "Adjustable Rate Note"). A true and accurate copy of the Adjustable Rate Note is attached to the Dec. of G. Quarles ¶ 6, Exhibit ("Ex.") 2.

5. The Adjustable Rate Note evidenced a loan provided by Option One to Plaintiffs in connection with Plaintiffs' purchase of a property located at 922 Avenue B, Brooklyn, New York 11236 (the "Property").

6. The Adjustable Rate Note was secured by a mortgage interest in the Property.

7. On or about December 21, 2006, Plaintiff Michael G. Robinson executed a GAP Adjustable Rate Note in the amount of \$54,673.66 in favor of Option One (the "GAP Note"). A true and accurate copy of the GAP Note is attached to the Dec. of G. Quarles ¶ 6, Ex. 3.

8. The GAP Note evidenced a second loan provided by Option One to Plaintiffs and was secured by a mortgage interest in the Property.

9. On or about December 21, 2006, Plaintiff Michael G. Robinson executed a Consolidated Adjustable Rate Note in the amount of \$517,000.00 in favor of Option One (the "CEMA Note") thereby consolidating, extending and modifying the prior loans evidenced by the Adjustable Rate Note and the GAP Note. A true and accurate copy of the CEMA Note is attached within Dec. of G. Quarles ¶ 7, Ex. 4.

10. On or about December 22, 2006, Plaintiffs Michael G. Robinson and Michelle Robinson executed a Consolidation, Extension and Modification Agreement thereby consolidating the mortgages owned by Option One into one security interest on the Property (the "CEMA Mortgage"). On or about February 12, 2007, Option One caused the CEMA Mortgage

to be recorded and filed with the City Register of the City of New York. A true and accurate copy of the recorded CEMA Mortgage is attached to the Dec. of G. Quarles ¶ 5, Ex. 1.

11. On or about January 31, 2007, Option One delivered, through its agent and custodian, to Block Bank an indorsed allonge to the CEMA Note (the "Allonge"). A true and accurate copy of the Allonge is attached within Dec. of G. Quarles ¶ 7, Ex. 4.

12. By delivering the indorsed Allonge, Option One intended to assign the CEMA Note to Block Bank.

13. On or about January 31, 2007, Option One, through its agent and custodian, caused the CEMA Note with Allonge to be delivered to Block Bank. After recordation of the CEMA Mortgage, Option One, through its agent and custodian, caused the CEMA Mortgage to be delivered to Block Bank.

14. On or about January 31, 2007, Option One also caused the GAP Note, the Adjustable Rate Note and the corresponding mortgage documents to be delivered, through its guardian and custodian, to Block Bank.

15. At the time of the transfer and delivery of the CEMA Note, it was Option One's practice to deliver allonges to notes by placing allonges directly behind their corresponding notes.

16. Sand Canyon f/k/a Option One has not received any payments in connection with the CEMA Note since the assignment of the CEMA Note to Block Bank on January 31, 2007.

17. On or about March 30, 2011, Sand Canyon f/k/a Option One indorsed and caused to be recorded and filed with the City Register of the City of New York an Assignment of Mortgage to Block Bank (the "Assignment of Mortgage"). A true and accurate copy of the Assignment of Mortgage is attached hereto as Exhibit A.

18. On or about September 20, 2012, Sand Canyon f/k/a Option One indorsed a Correction Assignment of Mortgage to Block Bank stating the effective date of assignment as January 31, 2007, and caused that to be recorded and filed with the City Register of the City of New York. A true and accurate copy of the Corrective Assignment of Mortgage is attached hereto as Exhibit B.

I declare under penalty of perjury under the laws of the United State of America that the foregoing is true and correct.

Executed this 31<sup>st</sup> day of March, 2013 in Irvine, California.


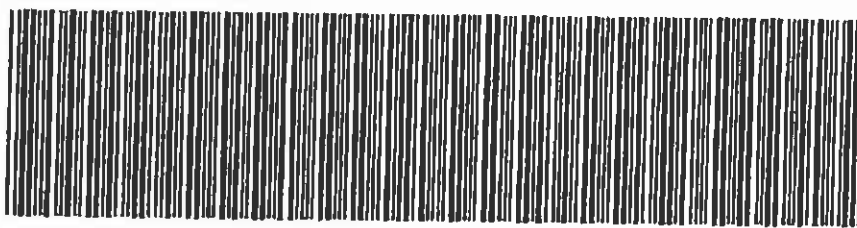
  
\_\_\_\_\_  
Dale M. Sugimoto, President  
Sand Canyon Corporation

Exhibit “A”

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.


**2011040600450001001E0F35**
**RECORDING AND ENDORSEMENT COVER PAGE**
**PAGE 1 OF 4**
**Document ID: 2011040600450001**
**Document Date: 03-30-2011**
**Preparation Date: 04-06-2011**
**Document Type: ASSIGNMENT, MORTGAGE**
**Document Page Count: 2**
**PRESENTER:**

SECURITY CONNECTIONS, INC.  
240 TECHNOLOGY DRIVE  
IDAHO FALLS, ID 83401  
208-528-9895  
ckillian@security-connect.com

**RETURN TO:**

SECURITY CONNECTIONS, INC.  
240 TECHNOLOGY DRIVE  
IDAHO FALLS, ID 83401  
208-528-9895  
ckillian@security-connect.com

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
BROOKLYN	8110	39 Entire Lot		9222 AVENUE B

**Property Type: DWELLING ONLY - 1 FAMILY**

**CROSS REFERENCE DATA**
**CRFN: 2006000000239**
☒ Additional Cross References on Continuation Page

**PARTIES**
**ASSIGNOR/OLD LENDER:**

SAND CANYON CORPORATION  
7595 IRVINE CENTER DR, SUITE 100  
IRVINE, CA 92618

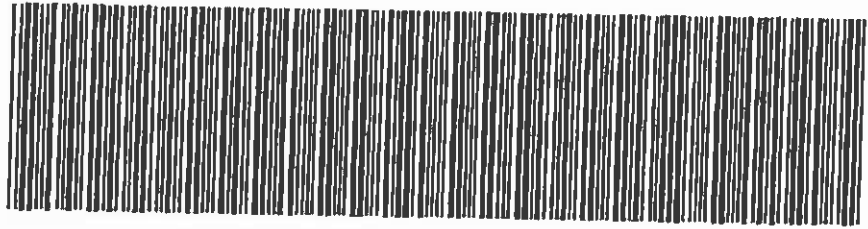
**ASSIGNEE/NEW LENDER:**

H&R BLOCK BANK FSB  
ONE H&R BLCOK WAY, 8TH FLOOR  
KANSAS CITY, MO 64105

**FEES AND TAXES**

<b>Mortgage</b>		<b>Filing Fee:</b>	
Mortgage Amount:	\$ 0.00		\$ 0.00
Taxable Mortgage Amount:	\$ 0.00	NYC Real Property Transfer Tax:	
Exemption:			\$ 0.00
TAXES: County (Basic):	\$ 0.00	NYS Real Estate Transfer Tax:	
City (Additional):	\$ 0.00		\$ 0.00
Spec (Additional):	\$ 0.00		
TASF:	\$ 0.00		
MTA:	\$ 0.00		
NYCTA:	\$ 0.00		
Additional MRT:	\$ 0.00		
<b>TOTAL:</b>	<b>\$ 0.00</b>		
Recording Fee:	\$ 50.00		
Affidavit Fee:	\$ 0.00		

NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER



2011040600450001001C0DB5

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)

PAGE 2 OF 4

Document ID: 2011040600450001

Document Date: 03-30-2011

Preparation Date: 04-06-2011

Document Type: ASSIGNMENT, MORTGAGE

**CROSS REFERENCE DATA**

CRFN: 2007000082498

NEW YORK  
COUNTY OF **KINGS (A)**  
LOAN NO. (0022707905 )331051385  
POOL NO.

**ASSIGNMENT OF MORTGAGE**  
KNOW THAT **SAND CANYON CORPORATION FKA OPTION ONE MORTGAGE CORPORATION**

located at **7595 IRVINE CENTER DRIVE, SUITE 100, IRVINE, CA 92618**,  
Assignor, in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration paid  
by **H & R BLOCK BANK FSB**

located at **ONE H & R BLOCK WAY, 8TH FLOOR, KANSAS CITY, MO 64105**, Assignee,  
hereby assigns unto the Assignee those deeds of trust made by **MICHAEL G. ROBINSON AND**  
**MICHELLE ROBINSON**

DISTRICT

for **FOUR HUNDRED SIXTY-FIVE THOUSAND and NO/100----** (\$ **465,000.00**)  
payable to **OPTION ONE MORTGAGE CORPORATION** and  
covering the premises at **9222 AVE B BROOKLYN, NY 11236**

recorded in the office of Clerk of the County of **KINGS**, State of New York and  
more particularly described below. These mortgages have been consolidated, by the terms of the  
office of Clerk of the county above, to form a single first mortgage lien.

SECTION

**AS DESCRIBED ON SAID MORTGAGES REFERRED TO HEREIN.**

BLOCK  
8110LOT  
39

UNIT

**ORIGINAL MORTGAGE**

**OPTION ONE MORTGAGE CORPORATION**  
**BOOK PAGE**

**JANUARY 3, 2006 465,000.00**  
**DOC. 2006000000239**

**MORTGAGE**

**OPTION ONE MORTGAGE CORPORATION**  
**MICHAEL G. ROBINSON AND MICHELLE ROBINSON**  
**BOOK PAGE**

**REC. FEBRUARY 12, 2007**  
**54,673.66**

**DOC. 2007000082498**

**CONSOLIDATED**

**OPTION ONE MORTGAGE CORPORATION**  
**MICHAEL G. ROBINSON AND MICHELLE ROBINSON**  
**BOOK PAGE**

**REC. FEBRUARY 12, 2007**  
**517,000.00**

**DOC. 2007000082499**

C=s.172.0071

P=s.002.00224.63

J=hr8010109ai.s.03401

(NMRI.NY.CONSOLE)



331051385

Name: ROBINSON MICHAEL G Location: KASOTA

Customer: HRBB

Pool: OPT1 DRY-WARE



Loan No. (0022707905 )331051385

TO HAVE AND TO HOLD the same unto the assignee and to the successors, legal representatives and assigns of the assignee forever.

The word "assignor" or "assignee" shall be construed as if it read "assignors" or "assignees" whenever the sense of this instrument so requires. This assignment is not subject to the requirements of section 275 of the Real Property Law because it is an assignment within the secondary mortgage market.

IN WITNESS WHEREOF, the assignor has duly executed this assignment this 30th day of MARCH 2011,  
but effective the 28th day of NOVEMBER 2005.

**SAND CANYON CORPORATION FKA OPTION ONE MORTGAGE CORPORATION**

BY \_\_\_\_\_

BY Melissa Hively  
**MELISSA HIVELY**  
**VICE PRESIDENT**

STATE OF IDAHO )  
 ) ss  
COUNTY OF BONNEVILLE )

On the 30th day of MARCH 2011 before me, the undersigned personally appeared MELISSA HIVELY and \_\_\_\_\_

\_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the County of BONNEVILLE, State of IDAHO.

V. Sorg  
VICKIE SORG (COMMISSION EXP. 08-18-11)  
NOTARY PUBLIC

BONNEVILLE

VICKIE SORG  
NOTARY PUBLIC  
STATE OF IDAHO

PREPARED BY SECURITY  
CONNECTIONS, INC.  
WHEN RECORDED MAIL TO:

SECURITY CONNECTIONS INC.  
240 TECHNOLOGY DRIVE  
IDAHO FALLS, ID 83401  
EE: (208) 528-9895  
ATT: KARLEEN MALICHAN

(NMRI.NY)

SEAL Page 2 of 2

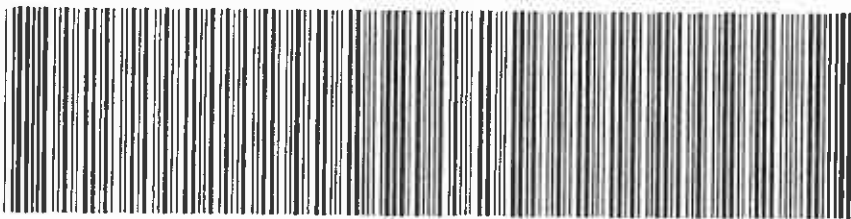
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P=S.002.00224.63

J=hr8010109a1.s.03401

# Exhibit “B”

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

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**2012092100759001001E1A30**
**RECORDING AND ENDORSEMENT COVER PAGE**
**PAGE 1 OF 4**
**Document ID: 2012092100759001**
**Document Date: 09-20-2012**
**Preparation Date: 09-21-2012**
**Document Type: ASSIGNMENT, MORTGAGE**
**Document Page Count: 2**
**Non-Standard Form Size**
**PRESENTER:**

ERIC ZENI  
SOLOMON SIRIS PC  
100 QUENTIN ROOSEVELT BLVD. STE 504  
GARDEN CITY, NY 11530  
516-228-9350  
EZENI@SOLOMONSIRIS.COM

**RETURN TO:**

SOLOMON & SIRIS PC  
100 QUENTIN ROOSEVELT BLVD  
STE 504  
GARDEN CITY, NY 11530  
516-228-9350  
EZENI@SOLOMONSIRIS.COM

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
BROOKLYN	8110	39	Entire Lot	9222 AVENUE B
<b>Property Type: DWELLING ONLY - 1 FAMILY</b>				

**CROSS REFERENCE DATA**
**CRFN: 2006000000239**

x Additional Cross References on Continuation Page

**PARTIES**
**ASSIGNOR/OLD LENDER:**

SAND CANYON CORPORATION F/K/A OPTION ONE  
MORTGAGE  
7995 IRVINE CENTER DRIVE, SUITE 100  
IRVINE, CA 92618

**ASSIGNEE/NEW LENDER:**

H&R BLOCK BANK FSB  
H&R BLOCK WAY, 8TH FLOOR  
KANSAS CITY, MO 64105

**FEES AND TAXES**
**Mortgage**

Mortgage Amount:	\$	0.00
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Taxable Mortgage Amount:	\$	0.00
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Exemption:		
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TAXES: County (Basic):	\$	0.00
------------------------	----	------

City (Additional):	\$	0.00
--------------------	----	------

Spec (Additional):	\$	0.00
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TASF:	\$	0.00
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MTA:	\$	0.00
------	----	------

NYCTA:	\$	0.00
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Additional MRT:	\$	0.00
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TOTAL:	\$	0.00
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Recording Fee:	\$	75.00
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Affidavit Fee:	\$	0.00
----------------	----	------

**Filing Fee:**

\$	0.00
----	------

**NYC Real Property Transfer Tax:**

\$	0.00
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**NYS Real Estate Transfer Tax:**

\$	0.00
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**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE  
CITY OF NEW YORK**

Recorded/Filed 09-25-2012 15:36

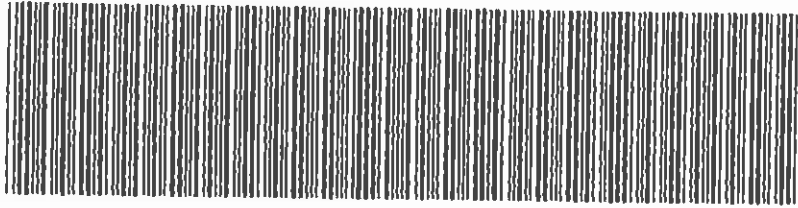
City Register File No.(CRFN):

**2012000380870**


*Gina M. Hill*

City Register Official Signature

NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER



2012092100759001001C18B0

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION) PAGE 2 OF 4

Document ID: 2012092100759001

Document Date: 09-20-2012

Preparation Date: 09-21-2012

Document Type: ASSIGNMENT, MORTGAGE

**CROSS REFERENCE DATA**

CRFN: 2007000082498

CRFN: 2007000082499

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

### CORRECTION ASSIGNMENT

**KNOW THAT**

Sand Canyon Corporation f/k/a Option One Mortgage Corporation,  
7995 Irvine Center Drive, Suite 100  
Irvine, California 92618

, assignor,

in consideration of ten and no dollars (\$10.00) ..... dollars,  
paid by H&R Block Bank FSB,

H & R Block Way, 8<sup>th</sup> Floor, Kansas City, MO 64105

hereby assigns unto the assignee, , assignee,

Mortgages dated the "See Below" day of , made by  
Michael G. Robinson and Michelle Robinson  
to Option One Mortgage Corporation (now known as Sand Canyon Corporation)

in the principal sum of \$ "See Below" and recorded on the "See Below" day of  
in Liber/Reel "See Below" of Section of Mortgages, Page , in the City Register's Office  
of Kings County, New York covering premises

9222 Avenue B, Brooklyn, New York 11236 (Block 8110, Lot 39)

**\*Mortgages:**

Mortgage dated November 28, 2005

Recorded: January 3, 2006  
CRFN: 2006000000239  
Amount: \$465,000

GAP Mortgage dated December 21, 2006

Recorded: February 12, 2007  
CRFN: 2007000082498  
Amount: \$54,673.66

Consolidation, Modification and Extension  
Agreement dated December 21, 2006

Recorded: February 12, 2007  
CRFN: 2007000082499  
Amount: \$517,000

TOGETHER with the bonds or notes or obligations described in said mortgages, and the money due and to grow due thereon with the interest; TO HAVE AND TO HOLD the same unto the assignee and to the successors, legal representatives and assigns of the assignee forever.

The word "assignor" or "assignee" shall be construed as if it read "assignors" or "assignees" whenever the sense of the instrument so requires. This assignment is not subject to the requirements of section 275 of the Real Property Law because it is an assignment with the secondary mortgage market.

\*This assignment is intended to correct an assignment of the same mortgages described above. The assignment being corrected is dated March 30, 2011 but incorrectly stated to be "effective" November 28, 2005 instead of January 31, 2007. The original assignment was recorded on April 20, 2011 under CRFN 2011000144341.

IN WITNESS WHEREOF, the assignor has duly executed this assignment the <sup>20<sup>th</sup></sup> day of Sept., 2012  
but effective January 31, 2007.

IN PRESENCE OF:

By: DALE SUBIMOTO, ASSIGNED  
Sand Canyon Corporation  
f/k/a Option One Mortgage Corporation

Linda T. Landau  
Linda T. Landau

Linda M. Vitale  
Linda M. Vitale

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE**

State of New York, County of

ss:

State of New York, County of

ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_  
before me, the undersigned, personally appearedOn the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_  
before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

(signature and office of individual taking acknowledgment)

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE**State of California, County of Orange ss:

State of \_\_\_\_\_, County of \_\_\_\_\_ ss:

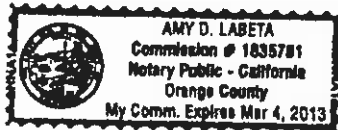
On the 20<sup>th</sup> day of September in the year 2012  
before me, the undersigned, personally appearedOn the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_  
before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

(signature and office of individual taking acknowledgment)

**SEAL****CORRECTION ASSIGNMENT OF MORTGAGE  
WITH COVENANT**

Title No. \_\_\_\_\_

SECTION  
BLOCK 8110  
LOT 39  
COUNTY OR TOWN Kings  
STREET ADDRESS 9222 Avenue B  
Brooklyn, New York 11236Recorded at Request of  
New York Title Research Corp

RETURN BY MAIL TO:

SOLOMON & SIRIS, P.C.  
100 Quentin Roosevelt Boulevard  
Suite 504  
Garden City, New York 11530

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

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